

**CROWLEY LAKE ESTATES
FINAL EIR ADDENDUM
State Clearinghouse #2001012064
❧ MARCH 2006 ❧**

INTRODUCTION AND DISCUSSION OF PROPOSED MODIFICATIONS

In November of 2001, the Mono County Board of Supervisors certified the Final EIR prepared to evaluate the potential impacts associated with the proposed Crowley Lake Estates project. The Board also approved the Crowley Lake Estates Specific Plan, which constitutes the land use regulation under which development would be governed for the project area. The Specific Plan was subsequently amended during November 2002, by Amendment #1, to incorporate provisions governing water facilities that will be owned and operated on this site by Crowley Lake Mutual Water Company (CLMWC) or its legal successor. The primary objective of the Specific Plan is to create a mix of single-family and multifamily housing, commercial development, and ancillary uses on the project site in a manner that can be provided with adequate access and public facilities, consistent with the County's General Plan Housing Element and Long Valley Plan.

The Specific Plan currently states, in §1.4, "A majority of the multifamily units (38 of the 48 units) will be made available for rental under a Low-Income Housing Tax Credit Program..." Following Plan approval, the applicant (Crowley Lake Housing Company, LLC) obtained the Low-Income Housing Tax Credit for this project but was unsuccessful in gaining the additional subsidies necessary to cover the cost of construction. The applicant has subsequently submitted an application to the Mono County Community Development Department with three primary requests that (1) the Specific Plan be amended to delete reference to the LIHTC program, (2) the area currently shown as the 'Education Center' be redesignated for commercial use, and (3) clarify that seven multi-family apartment units be provided on the second floor of the commercial area including three 1,500 square foot (three bedroom) units and four 1,200 square foot (two-bedroom) units. Other requested changes include minor adjustments in the layout and number of parking spaces, and other minor wording and typographical changes in the Specific Plan text.

In recognition of County goals for the development of affordable housing, the amended Specific Plan text incorporates a provision allowing some portion of the multifamily units to be made available for rental under an affordable housing program. However, the proposed changes would, if approved, allow Crowley Lake Housing Company LLC to develop all market rate housing on the Specific Plan parcel.¹ No changes to the Crowley Lake Estates Project are proposed other than those described above.

CEQA PROVISIONS FOR PREPARATION OF AN ADDENDUM TO A FINAL EIR

The California Environmental Quality Act (CEQA §15164[a]) states:

"(a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred."

In turn, §15162 states that preparation of a subsequent EIR is required where one or more of the following occurs:

¹ Note: the applicant proposes to comply with whatever affordable housing requirements are in effect at the time of approval. Currently, the requirements stipulate that two affordable units be provided.

"(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:

(A) the project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

The current proposal has three primary components: (1) delete reference to the LIHTC program, (2) redesignate the 'Education Center' for commercial use, and (3) clarify that seven multi-family apartment units may be provided on the second floor of the commercial area. Deletion of all reference to the LIHTC program would mean that all of the multifamily units could be sold or rented at market rates, with no guaranteed provision for affordable occupancy. No change is proposed in the number of units, or the size or location of the units. This amendment would be environmentally neutral: it would not impact resulting traffic or noise levels, nor change service demands, nor alter land use or aesthetic impacts, and it would not change the nature or duration of construction impacts, or alter operational or maintenance requirements.

The second component is to redesignate the area currently shown as an 'Education Center' for commercial use. As described in Exhibit 4 of the Draft EIR for Crowley Lake Estates, the education center was originally included as part of the multi-family parcel. The preliminary site plan depicted this as a 2,800 square foot facility located along the southwestern property line and adjoining private residential parcels on Aspen Place. However, during public hearings on the Final EIR, the Mono County Board of Supervisors adopted an alternative Site Plan that featured a number of changes relative to the initial Plan. One of the changes shown in the alternative Site Plan was to relocate the education center from the multifamily parcel to the commercial parcel, where it was attached to the rear (western) side of the commercial structure.

As a result of the changes made in the adopted alternative site plan, the proposed redesignation of the education center for commercial use will not result in any change in the layout or the size of the structure. The redesignation would impact the interior uses, with secondary changes in traffic and noise levels. As described below, both of these impacts would be reduced by the proposed change to commercial use.

The third primary component would be to clarify that up to seven (7) residential or employee housing units could be constructed on the second floor of the commercial structure with a Director Review permit. Currently, housing is allowable on the second floor with a Director Review, but the number of units is unspecified.

Traffic Impacts

As described in the Crowley Lake Estates Draft EIR² and shown in Table 1 below, the peak hour traffic generation rates for the education center represented a substantial portion of the traffic associated with the current Specific Plan. Redesignation of the 2800 sf education center to commercial use and provision for seven (7) employee/residential units as a second floor to the commercial building would, in combination, reduce overall project traffic levels from 766 to 635 average daily trips (a 17% decrease). The reduction in peak hour traffic would result in a 47% reduction in a.m. peak hour trips and a 35% decrease in p.m. peak hour trips. These reductions are consistent with findings in the original EIR that there will be less than significant traffic impacts from the project and no new mitigation is proposed.

Table 2
PEAK HOUR TRIP GENERATION AND RESULTING TRAFFIC

Site Use	A.M. Peak Hour			P.M. Peak Hour			Daily Traffic
	Inbound	Outbound	Total	Inbound	Outbound	Total	
TRAFFIC GENERATION RATES							
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Multifamily (Trips/D.U.)	0.08	0.36	0.44	0.36	0.18	0.54	5.86
Single-Family (Trips/D.U.)	0.19	0.56	0.75	0.65	0.36	1.01	9.57
Retail (Trips/TSF)	0.72	0.48	1.20	1.11	1.48	2.59	40.67
Education Center (Trips/TSF)	6.74	5.97`	12.71	6.20	7.00	13.20	79.26
RESULTING TRAFFIC WITH EDUCATION CENTER							
TRAFFIC GENERATED:							
Multifamily (48 D.U.)	4	18	22	17	9	26	281
Single-Family (5.D.U.)	1	3	4	3	2	5	48
Retail (10 TSF)	7	5	12	11	15	26	407
Education Center (2.8 TSF)	19	17	36	17	20	37	222
Total Project Trips	31	43	74	48	46	94	958
Less 20% pass-by retail trips	- 6	- 8	- 14	- 10	- 9	- 19	- 192
Net Project Traffic	25	35	60	38	37	75	766
RESULTING TRAFFIC WITH REDESIGNATION OF EDUCATION CENTER AS COMMERCIAL							
TRAFFIC GENERATED:							
Multifamily (55 D.U.)	4	20	24	20	10	30	322
Single-Family (5.D.U.)	1	3	4	3	2	5	48
Retail (10.9TSF)	8	5	13	12	16	28	443
Education Center (0 TSF)	0	0	0	0	0	0	0
Total Project Trips	13	28	41	35	28	63	813

² Source: Crowley Lakes Estates Draft EIR, §5.7 (Traffic), Table 19 (Peak Hour Trip Generation)

Less 20% pass-by retail trips	-3	-6	-9	-7	-6	-14	-178
Net Project Traffic	10	22	32	28	22	49	635

Parking Impacts

Provisions contained in the current Crowley Lake Specific Plan require that off-street parking for the multifamily uses shall be provided at a ratio of no less 1.5 stalls per unit (plus 0.5 stalls per unit for auxiliary parking), and parking for the commercial uses (off and on-street parking) shall be provided in accordance with County requirements that require 1 space for every 200 square feet of gross leasable area, or as approved by the Planning Director.³

As shown on the proposed Site Plan, redesignation of the Education Center to commercial results in 12,800 square feet of commercial area (10,000 sf commercial existing plus 2,800 sf education center), equivalent to 11,520 square feet of gross leasable area (12,800 x 90%). As shown on the proposed plan, 19 off-street parking spaces are provided on the site, as well as 30 parking spaces on South Landing Road, for a total of 49 parking spaces to serve the commercial building (spaces are presently shown on the approved Specific Plan). The proposed 49 spaces would not meet the County requirement, which calls for one space per 200 sf of gross leasable area for a total of 58 parking spaces (11,520/200 = 57.6 spaces). Either more spaces would have to be provided or the amount of gross leasable space could not exceed 9,800 sf (10,889 sf total commercial @ a 10% reduction rate). The latter (i.e., ≤9,800 sf) is included as a condition of approval for the project since more parking does not appear feasible with the present layout. The condition of approval would limit the amount of gross leasable commercial square footage to 9,800 unless additional parking is provided.

The proposed amendment provides adequate parking for up to seven (7) residential units that would be allowable on the second floor of the commercial building. The Specific Plan standards call for a minimum of 1.5 off-street parking spaces for each of these units. The proposed Site Plan amendment provides 14 off-street spaces (included in the parking lot directly west of the structure), which exceeds the minimum standard by 33%. In combination with regulations imposed by the Specific Plan, this condition of approval ensures that will be no substantive changes relative to environmental findings contained in the certified Final EIR (i.e., no significant unavoidable adverse effects).

Noise Impacts

The Crowley Lake Estates Draft EIR and Final EIR⁴ evaluated potential noise sources within the Crowley Lake Estates project. The acoustic assessment identified the education center as the most noticeable non-traffic noise source on the project site but ultimately determined that none of the project elements would require mitigation.⁵ Redesignation of the education center for commercial use would reduce noise levels associated with the on site land use and noise levels associated with traffic as well. The proposed changes would thus have a beneficial effect on sound levels in the project area.

Water Supply

Water supply and reliability was a key issue during review of the Final EIR, and it was also the basis for the first Specific Plan amendment, approved in November 2002. As a result of the first amendment, the Specific Plan now incorporates detailed standards and procedures governing water facilities that will be owned and operated on this site by Crowley Lake Mutual Water

³ Gross leasable area is all floor area except utilities and storage, which is estimated to be 10% of total floor area.

⁴ Source: Crowley Lakes Estates Draft EIR (§5.7 (Traffic), Table 19 (Peak Hour Trip Generation) and Final EIR.

⁵ Note that noise impacts of the education center were reduced to less than significant levels when the facility located was shifted away from the boundary closest to Aspen Place.

Company or its legal successor. The proposed Specific Plan Amendment #2 would not alter these provisions, which are summarized below in Table 2.

**TABLE 2
CROWLEY LAKE SPECIFIC PLAN WATER SYSTEM STANDARDS**

"13. WATER SYSTEM STANDARDS

Water system standards within Crowley Lake Estates shall be as described below.

- a. Water Supply Facilities*
 - i. A potable water production well shall be provided on the site with a capacity in the general range of 150-165 gallons per minute. The location of the well, and the ancillary facilities to support the well, shall be as depicted in Exhibit 4a, the Specific Plan Map – Amendment No. 1. The appearance of the water supply facilities shall be generally as depicted in Exhibit 8, the Schematic Rendering of Water Facilities.*
 - ii. Prior to construction of the potable water production well, a test well shall be drilled to determine water quality and the safe yield of the aquifer.*
 - iii. Mitigation measures adopted as part of the Final EIR for Crowley Lake Estates shall be implemented in accordance with the specifications contained in the Mitigation Monitoring and Reporting Program provided as Attachment 2 to this Specific Plan – Amendment No. 1.*
 - iv. The safe yield determinations derived from the test well shall be in accordance with the specifications contained in the Mitigation Monitoring and Reporting Program.*
- b. Water Storage Facilities*
 - i. A water storage tank shall be provided on the site with a capacity in the range of 300,000 gallons. The tank shall be constructed of bolted steel. The location of the storage tank, and the location of ancillary facilities required to support the storage tank, shall be as depicted in Exhibit 4a, the Specific Plan Map – Amendment No. 1.*
 - ii. The water storage tank shall be no higher than 16-feet, and shall have a diameter no greater than 55-feet.*
 - iii. A telemetry system shall be provided to cycle the well pumps to fill the water storage tank.*
- c. Water Transmissions Facilities*
 - i. Two 15-horsepower booster pumps shall be provided on the site, each with a capability of providing 190 gpm peak system flows.*
 - ii. One 25-horsepower booster pump shall be provided on the site with the capability of providing 500 gpm system flows.*
 - iii. At all times, the onsite pumping system shall be capable of providing fire flow as required by the Long Valley Fire Protection District for the land uses constructed on the site.*
 - iv. All onsite pumping equipment shall be housed in enclosure(s) with sound attenuation adequate to maintain acceptable external noise levels of 60 dB or lower, as defined in the Final EIR for Crowley Lake Estates."*

Population and Affordable Housing

The November 2001 Final EIR calculated that the project would generate a total additional population of 201 residents in the community of Crowley Lake. The proposed Amendment #2 to the Specific Plan would increase this future population as a result of clarifying that up to seven additional apartments would be allowable over the commercial space. Table 3 summarizes the population associated with the approved and proposed Specific Plan layouts.

**Table 3
PROJECT POPULATION GAINS**

HOUSING TYPE	# UNITS – APPROVED	# UNITS – PROPOSED	POPULATION FACTOR	POPULATION – APPROVED	POPULATION – PROPOSED
Single-family	5	5	2.5/unit	13	13
Multifamily					
2 Bedroom	8	12	3/unit	24	36
3 Bedroom	36	39	4/unit	144	156
4 Bedroom	4	4	5/unit	20	20
TOTAL	53	60		201	225

As indicated, the proposed amendment would increase future site population from 201 to 225 residents. The additional 24 residents would represent a 12% increase in project site population projections, a 2% increase over the year 2000 population of Long Valley, and a 0.2% increase over the year 2000 population of Mono County as a whole. The added population would not constitute a substantial change in the project proposal nor would it introduce potentially significant environmental impacts that were not previously addressed in the Final EIR.

With respect to affordable housing, the approved Specific Plan (with 38 LIHTC multifamily units) would have fulfilled about 15.4% of the County's housing requirement in these categories, which was still below Long Valley's 20% share of total County population.⁶ The loss of thirty-eight affordable units, as now proposed, would reduce Long Valley's already meager contribution to meeting very low and lower income housing needs in unincorporated Mono County.

The changes would be consistent with current County policies governing affordable housing, which require that two affordable units be provided on this site. However, the County is now considering a Draft Housing Ordinance that would, if approved, significantly increase the minimum requirement. Table 4 summarizes the requirements that would apply if the Draft Housing Ordinance is adopted in its current form.

**Table 4
DRAFT HOUSING ORDINANCE REQUIREMENTS**

SPECIFIC PLAN COMPONENT	HOUSING ORDINANCE REQUIREMENT
5 Single Family Lots	<ul style="list-style-type: none"> ▶ \$118,800 fee ▶ 1 deed-restricted lot (requiring construction of a secondary 'granny' unit at the time the main structure is built)
48 Condominium Units	<ul style="list-style-type: none"> ▶ \$39,600 fee ▶ 3 manager units with 1,000 sf each: 3 (all) at 80% of AMI
10,889 sf of Commercial Space	<ul style="list-style-type: none"> ▶ \$85,803 fee ▶ 1 affordable unit at 120% of AMI

In recognition of County goals for the development of affordable housing, the amended Specific Plan text incorporates a provision allowing some portion of the multifamily units to be made available for rental under an affordable housing program, if feasible under existing program options and/or if required under a newly adopted Housing Ordinance. The text would also allow Crowley Lake Housing Company LLC to develop all market rate housing on the Specific Plan parcel in the event feasible programs are unavailable and/or existing affordable housing requirements continue in effect. In any case, the project would not introduce potentially significant environmental impacts that were not previously addressed in the original EIR.

CONCLUSION

⁶ Source: Crowley Lake Specific Plan Draft EIR, §5.6.

CEQA Sections 15164(c) through 15164(e) state that *"an Addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration. The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project. A brief explanation of the decision not to prepare a subsequent EIR pursuant to §15162 shall be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence."* The information presented above indicates that the proposed amendment to the Crowley Lake Estates Specific Plan does not represent a substantive change to the project or the circumstances in which the project will be undertaken, nor would it introduce potentially significant environmental impacts that were not previously addressed in the Final EIR. Based on these conclusions, the County has determined that an Addendum is the appropriate document for the proposed second amendment to the Crowley Lake Specific Plan. All of the mitigation measures adopted by the Mono County Board of Supervisors as part of the November 2001 Final EIR certification remain in full force and effect.